

ESTTA Tracking number: **ESTTA670620**

Filing date: **05/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221253
Party	Defendant Meso Scale Diagnostics, LLC
Correspondence Address	KEITH A. WELTSCH SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 GARDEN CITY PLZ STE 300 GARDEN CITY, NY 11530-3319 intprop@ssmp.com;kweltsch@ssmp.com; hma
Submission	Answer
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Date	05/05/2015
Attachments	Answer to Opposition.pdf(73382 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MSI Holdings, LLC,

Opposer,

vs.

Meso Scale Diagnostics, LLC,

Applicant.

Opposition No. 91/221,253

Serial No. 86/256,050

APPLICANT MESO SCALE DIAGNOSTICS, LLC'S ANSWER

Applicant, Meso Scale Diagnostics, LLC, for its Answer to the notice of Opposition states as follows:

1. Applicant admits that Opposer is listed as the owner of record of U.S. Registration Nos. 1,312,902 for the mark SPEX, 2,074,019 for the mark SPEC-CAP, 2,667,209 for the mark SPEXERTIFICATE and 4,419,863 for the mark SPEXQUE, but does not have sufficient knowledge as to the remainder of the allegations in Paragraph 1 of the Notice of Opposition, and therefore, denies the same.

2. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 2 of the Notice of Opposition, and accordingly, denies the same.

3. Denied.

4. Denied.

5. Denied.

6. Denied

7. Denied.

8. Denied.

9. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 9 of the Notice of Opposition, and accordingly, denies the same.

10. Denied.

11. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 11 of the Notice of Opposition, and accordingly, denies the same.

12. Denied.

13. Admitted to the extent that no license agreement or assignment exists between opposer and applicant, and opposer is not connected with applicant in any way. Admitted that Opposer has not given applicant permission to use opposer's persona or identity in any way; denies any implication that applicant was required to: (i) receive permission from opposer to use the S-PLEX mark of the '050 application in any way or (2) receive permission from opposer to apply for the S-PLEX mark of the '050 application with the USPTO or any other trade or service mark agency; or (iii) receive permission from opposer to own the mark of the '050 application.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that Application Serial No. 86/256,050 be permitted to mature to registration.

Respectfully submitted,

Meso Scale Diagnostics, LLC



Dated: May 5, 2015

By: _____

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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **ANSWER TO OPPOSITION** is being sent via e-mail to attorney for Opposer on this 5th day of May, 2015 as follows:

Michael R. Gilman, Esq.
mgilman@pgclawgroup.com



Holly P. Manthey